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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,359	09/28/2000	Nikolaus P.W. Almasy	TI-31690	7554

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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
2683	7

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/672,359

Applicant(s)

ALMASSY, NIKOLAUS P.W.

Examiner

James D Ewart

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2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: 13-21 and 33-38.

Claim(s) rejected: 1,4-12,21-32 and 39-41.

Claim(s) withdrawn from consideration: none.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: newly added limitations "uniquely at each of said at least one mobile station" in claims 1, 24 and 41 raise new issues.

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Regarding claims 1 and 26, Examiner interprets the scheduler of Brennan et al. in Table 3 in which the call is directed to either the car, office, home or cottage as message response groups. As can be seen in table 1 of column 5, there are a plurality of message responses i.e. announcement 1 and announcement 8 which are associated with the identity of a calling party i.e. Lawyer and BRW.

Regarding claim 4, Brennan et al. discusses selecting a message response group in response to the time of day see table 3.0 time (Time).

Regarding claim 5, in addition to creating message response groups which includes identities, Brennan et al teaches creating a hierarchy of message responses see special treatment of table 1 and creating a hierarchy of priority groups see table 3 (interruptability).

Regarding claims 6, Brennan et al shows in table 5 a calling party security code i.e. Bypass Password to provide an override message response.

Regarding claims 7, 22, 23, 24, 30, 39 and 40 Brennan et al discusses providing the caller ID to the subscriber and states that: "incoming call management is provided with an "an announcement of Caller Identification" which allows subscribers the decision to take a call once they know who is calling" see Column 2, Line 66 to Column 3, Line 2. The announcement could be on the display. Brennan et al goes on to say that "the pager receives and displays a numeric message entered by the caller. If the caller does not enter a digital code for transmission

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to the pager, the PCS can provide the pager with the CLID of the caller” see Column 9, Line 66 to Column 10, Line 2. If the subscriber does not accept the message then a message response, which would be selected according to table 1 via the name column, would be provided to the caller.

Regarding claim 8, in addition to creating a hierarchy of priority groups and associating message responses and identities to the hierarchy of priority groups, Brennan et al provides a special treatment column and examiner interprets anyone of these categories under special treatment to be associated with a special identity i.e. name see table 1.

Regarding claims 9 and 32, in addition to creating a plurality of message response groups and creating a plurality of message response hierarchies and selecting a message response group, Brennen et al shows in table 5 identifying the priority group-message response matrix to be used for cross-referencing the located priority group i.e. table 1, special treatment column.

Regarding claims 10 and 11, Brennan et al teaches in Col 6, Lines 47-48 that: “Some subscribers may wish to change, at regular intervals the way their calls are managed” which examiner equates with editing the matrices to modify a relationship between a priority group and a message response and editing the matrices to modify the relationship between a calling party identity and a priority group also see figures 3b – 3e.

Regarding claim 41, see arguments for claims 1 and 7.

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Regarding claim 12, Brennan et al teaches the mobile station includes a local memory, a microprocessor and a software application of microprocessor instructions (see figure 1a; 17) but the message manipulation is done by the network, however the manipulation could be done by the mobile device via caller ID and a processing unit and software. Davis teaches storing message responses in the local memory (Figure 5; 420).

Regarding claim 25, Brennan et al discusses providing the caller ID to the subscriber and states that: "incoming call management is provided with an "an announcement of Caller Identification" which allows subscribers the decision to take a call once they know who is calling" see Column 2, Line 66 to Column 3, Line 2. which examiner equates with audible indicator. In addition, Brennan et al also states "the pager receives and displays a numeric message entered by the caller. If the caller does not enter a digital code for transmission to the pager, the PCS can provide the pager with the CLID of the caller" see Column 9, Line 66 to Column 10, Line 2. This means that the phone provides a display indicator as well as audible indicator, but examiner must only show one of the group of indicators. Regarding the message response, Brennan et al teaches forwarding the call to another telephone (Column 3, Line 62 – Column 3, Line 14).

Regarding claim 27, mobile phones inherently have switches for turning the mobile phone on and off. Transistors are also considered switches. Higuchi et al teaches providing the message response based on the time of day (Column 6, Lines 50-68). Further, Davis teaches manually switching the message response (see 0071 last two lines)

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Regarding claim 12, Brennan et al teaches the mobile station includes a local memory, a microprocessor and a software application of microprocessor instructions (see figure 1a; 17) but the message manipulation is done by the network, however the manipulation could be done by the mobile device via caller ID and a processing unit and software. Davis teaches storing message responses in the local memory (Figure 5; 420).

Regarding claim 25, Brennan et al discusses providing the caller ID to the subscriber and states that: "incoming call management is provided with an "an announcement of Caller Identification" which allows subscribers the decision to take a call once they know who is calling" see Column 2, Line 66 to Column 3, Line 2. which examiner equates with audible indicator. In addition, Brennan et al also states "the pager receives and displays a numeric message entered by the caller. If the caller does not enter a digital code for transmission to the pager, the PCS can provide the pager with the CLID of the caller" see Column 9, Line 66 to Column 10, Line 2. This means that the phone provides a display indicator as well as audible indicator, but examiner must only show one of the group of indicators. Regarding the message response, Brennan et al teaches forwarding the call to another telephone (Column 3, Line 62 – Column 3, Line 14).

Regarding claim 27, mobile phones inherently have switches for turning the mobile phone on and off. Transistors are also considered switches. Brennen et al teaches providing the message response based on the time of day (Column 6, Lines 50-68).

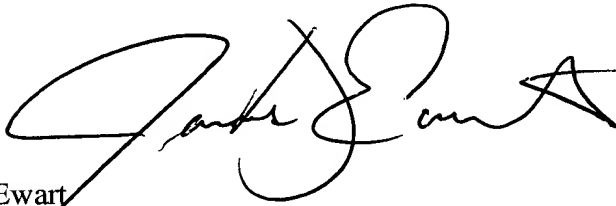
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Regarding claim 28, limitations to this claim are explained in the responses above.

Regarding claims 29, see argument of claim 6, Higuchi et al teaches storing message responses in the mobile phone memory (Figure 5; 420 and Column 2, Lines 63-68).

Regarding claim 31, see argument of claim 8, Higuchi et al teaches storing message responses in the mobile phone memory (Figure 5; 420 and Column 2, Lines 63-68).

A handwritten signature in black ink, appearing to read "Ewart", with a large, stylized initial "E" and a star-like flourish at the end.

Ewart

February 23, 2004

A handwritten signature in black ink, appearing to read "W. Trost", with a stylized "W" and a long horizontal stroke.

WILLIAM TROST
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